

# Board of Commissioners

## Regular Meeting \*PD Community Room

Tuesday, April 9, 2024 @ 6:30 PM



The Board of Commissioners held a regularly called meeting at the Police Department Community Room located at 3620 Providence Road South. The following Board members attended this meeting:

**Present:** Mayor Robert Murray III, Mayor Pro-Tem Brenda McMillon, Commissioner Jason M. Hall, Commissioner Tracy Wesolek, Commissioner Susana Wedra and Commissioner Richard Daunt

**Absent:** None

**Staff:** Town Manager Jeffrey Wells, Town Attorney Charles Buckley and Town Clerk Barbara Bruce

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### **CALL TO ORDER**

Mayor Murray called the meeting to order at 6:31 pm. A quorum was established as all board members were present.

### **CEREMONIAL OPENING**

The Pledge of Allegiance to the American Flag was recited. Everyone remained standing for a moment of silence.

### **ADOPTION OF AGENDA**

Town Manager Wells requested removal of the years of service award for Amy Merrill. Ms. Merrill was not able to attend due to a family death.

**MOTION** was made by Commissioner Hall to adopt the agenda as amended. **MOTION** was carried unanimously (5:0).

### **GENERAL PUBLIC COMMENTS**

The public comment period was held as required by law. None were forthcoming.

### **CONSENT AGENDA**

**Approval of BOC Meeting Minutes**

Regular Meeting - March 26, 2024

**Approval of Right of Way Deed Acquisition of Harris Teeter Properties LLC Adjacent to Kensington Drive in Lieu of Condemnation**

**Approval of Ordinance (ORD2024011) to Accept Donation Funds for the Waxhaw Police Department and Budget Amendment - Royce Publications Inc.**

*Ordinance (ORD2024011) is attached and hereby incorporated by this reference.*

**Approval of Proclamation (PRO2024005) In Support of Arbor Day**

*Proclamation (PRO2024005) is attached and hereby incorporated by this reference.*

**Approval of Revised ABC Board Meeting Schedule**

**MOTION** was made by Commissioner Daunt to adopt the consent agenda as presented.  
**MOTION** was carried unanimously (5:0).

**RECOGNITIONS**

**Recognition of NC Main Street Award Winners**

Ms. Ashley Nowell, Business Development Director, recognized Mr. Matt Hubert, Mr. Todd Matthews, and Mr. Moe Nassiri as Waxhaw's Main Street Champions for their work on the Downtown Pedestrian Improvement Project. She noted these gentlemen were among 40 Main Street Champions honored for their contributions to downtown revitalization at the North Carolina Main Street Conference in Goldsboro on March 12-14. She also noted the project received the North Carolina Main Street Award.

**PRESENTATIONS**

**Public Art Sculpture Walk - Artist Finalist Presentation**

Ms. Dena Sabinske, Parks and Recreation Director, provided an overview of the Public Art Sculptured Walk Project, which was in partnership with the Downtown Design Committee. The artists were vetted by both Committees using the guidelines outlined in the Waxhaw Art Policy.

Ms. Sabinske noted the theme of the project was for the artists to be by local or regional and reflect the region's unique heritage, history and culture. The selected artwork would be displayed along the Downtown Waxhaw Sculpture Walk area for a minimum of one year. A QR code would be added to the display for citizens to select their favorite artwork. Installation of the project would begin on May 1st with a completion date of May 10th and the grand unveiling on May 11th during the Kaleidoscope Festival. An awards presentation for the citizen's favorite artwork will held during the Autumn Treasures Festival on October 12th. The artwork would be on display until March 2025.

The artists selected for the Public Art Sculptured Walk Project are:

1. Mr. Jeff Crano - Sun and Moon - Recycle Scap Metal. Mr. Crano is a Waxhaw local artist with 30 years of experience as a farrier, blacksmith, and metal artist.
2. Mr. Chris Wilson - Waxhaw Spirit - Red Cedar. Mr. Wilson is a regional artist, founder and owner of Wilson Wildlife Sculpture with 40 years of experience.
3. Ms. Sydney Bucca - Hopper - Carbon Steel. Ms. Bucca is a regional artist from South Carolina with experience in metal work.

## **PUBLIC HEARINGS**

**MOTION** was made by Commissioner Hall to open the Public Hearings. **MOTION** was carried unanimously (5:0).

### **Public Hearing on Voluntary Annexation Petition 18-234 - Graham Property**

The Board of Commissioners fixed this date, place, and hour to conduct a public hearing for a Voluntary Annexation Petition 18-234 Graham Property. The proposed property being annexed was approximately 168.58 acres, which was a combination of 4 parcels located off Hwy 75 near the South Carolina border.

Ms. Peirano identified the property being annexed. She provided an overview of the proposed site and explained the first four steps of the annexation process. This was only a public hearing, no decision would be made.

Mayor Murray opened the floor to public comments as required by law.

### **Public Comments:**

- Ms. Anne Tanzy, a resident at 4532 Rockwood Drive, noted that her and husband Robert Tanzy had served the Waxhaw community for 41 years in various ways. She encouraged the Board of Commissioners to oppose the annexation.
- Mr. Robert Tanzy, a resident at 4532 Rockwood Drive, expressed opposition for the annexation due to overpopulation and growth and there was no infrastructure mitigations to alleviate the issues.
- Ms. Mary Lou Remano, a resident at 4527 Rockwood Drive, expressed opposition for the annexation due to the widening of Hwy 16 not occurring until 2030. She provided additional information to the Town Clerk for the Board of Commissioners.
- Mr. Doug Frick, a resident at 4635 Rockwood Drive, expressed concerns about the wetlands and the density. He expressed opposition for the annexation.
- Mr. Alan Privette, a resident at 9926 Cherokee Trail, expressed concerns with the overpopulation and asked when would the citizens be able to see the plans for the property in question.
- Mr. Bill Hersch, a resident at 4705 Rockwood Drive, expressed concerns about the rumors planned for the property. He requested that the Board of Commissioners table the annexation until more studies and information was gathered.
- Mr. Aaron Hutson, a resident at 9932 Cherokee Trail, expressed opposition for the annexation and concerns about the plans for the property.

### **Public Hearing - Graham Property Initial Zoning Petition RZ-015121-2023**

The Board of Commissioners fixed this date, place, and hour to conduct a public hearing for information on the proposed Initial Zoning Petition RZ-015121-2023 for the Graham Property.

Ms. Janet Peirano provided an overview of the Graham Property Initial Zoning Petition RZ-015121-2023. This request was submitted by the applicant Mel Graham, Graham Enterprises, for initial zoning and map amendment from Union County R-20 to the Town of Waxhaw R-3 and Employment Center. She explained that the property was comprised of four parcels totaling approximately 163.58 acres and located along Hwy 75 south of the Millbridge Subdivision Phase 7 and adjacent to the South Carolina border.

Ms. Peirano identified the zoning of the surrounding properties: to the North of the property was Millbridge Subdivision zoned R-3, which allows 3 units per acre for the development of single-family detached homes, to the East of the property zoned Union County R-20, single family residential development including manufactured homes at low to moderate densities, intended for areas primarily populated by manufactured homes with a minimum lot size of 20,000 square feet, to the South of the property zoned Union County R-40, which was intended for agriculture and related uses, compatible agribusiness uses and low-density residential. This zoning generally was applied to areas where central water and/or central sewer service was not widely available with a minimum lot size of 40,000 square feet, and to the West of the property zoned Rural Neighborhood in Lancaster County South Carolina. The Rural Neighborhood District was established to protect the residential character of communities and neighborhoods in the rural area at a density of one (1) dwelling unit per acre. The district was intended to promote rural living, protect farmland and to maintain low residential density.

Ms. Peirano explained that the Waxhaw 2040 Future Land Use Map designated the area of the Graham Property as medium density residential. This designation provided a mixture of housing types including detached single family, townhomes, cottage housing and in some cases duplexes, triplexes and quadraplexes. She noted the Union County 2050 Land Use Map designated this area as Employment Corridor. Employment Corridors were planned to have access to transportation infrastructure to support similar uses of the area. Additionally, the proposed zoning for this property was R-3 (Residential) and EC (Employment Center). The R-3 zoned portion was planned for the rear of the property while the front was proposed to be zoned as EC. The R-3 zoning was consistent with the Waxhaw 2040 Comprehensive Plan, whereas the EC zoning was not consistent, but it was reasonable and in the public interest as it would provide diversity to the tax base and allow for high quality employment for the area.

Mr. Graham expressed the same concerns as the public. He grew up in this area and took pride in the properties that he developed worked and with their ability to create a pleasing landscape. He noted that he did not want to increase density, instead wanted to develop the property in the best interest of the Town and its citizens. He wanted to utilize the advice and suggestions of the Planning Board and Town Staff. He would preserve the wetlands that are highly governed and regulated, exceed the required buffers surrounding the property, and he recognized that if the property was annexed and zoned his plans would be brought back for approval by the Board of Commissioners.

**Discussion:**

- Mayor Pro Tem McMillon asked why annex the property if the same plan could be done within Union County. Mr. Graham answered yes, he could do the same type of plan if not annexed but with Waxhaw's R-3 zoning he could utilize different types of dwelling units.
- Commissioner Wesolek asked if he would be asking for the Employment Corridor if not annexed. Mr. Graham answered yes if the County had interest and it would more likely happen regardless in the future.
- Commissioner Wesolek asked if the Employment Corridor would be industrial or office type businesses. Ms. Peirano answered that she was unsure of the exact uses but Employment Center (Waxhaw) and Employment Corridor (Union County) are very similar. Mr. Graham added that regardless of what the zoning allowed they envisioned office type buildings at the front and the middle would be for vendor type businesses.
- Commissioner Wedra asked if the residential or the Employment Center would come first. Mr. Graham answered the residential would come first.
- Commissioner Wedra asked how long would the project take for completion. Mr. Graham answered the residential portion would be about a 5 year period and the office/business portion would come after with another 5 to 8 years before completion.
- Town Manager Wells added that Waxhaw R-3 zoned properties never ends up with a density greater than 3 units per acre. Mr. Graham added he planned for this property to have a great amount of open space with smaller lots for the home owners to be able to maintain.

Mayor Murray opened the floor to public comments as required by law.

**Public Comments:**

- Ms. Kristen Tesar, a resident at 10317 Rutledge Court, expressed concerns regarding noise and privacy. She asked if there was a height restriction for potential businesses.
- Ms. Mary Lou Remano, a resident at 4527 Rockwood Drive, expressed concerns about the lack of infrastructure and the schools being overpopulated. She presented the board with a petition signed by her neighbors. She also had concerns with the neighborhood's wells and water supply.
- Mr. Aaron Hutson, a resident at 9932 Cherokee Trail, expressed concerns about what Mr. Graham would be able to build if he was granted the zoning he desired.
- Ms. Mary Miller, a resident at 4516 Rockwood Drive, expressed concerns about overdevelopment, traffic, and trees being removed forcing animals into her neighborhood.

**Public Hearing for Rezoning Petition RZ-015255-2024 - Fox Property, Waxhaw Marvin Rd**

The Board of Commissioners fixed this date, place, and hour to conduct a public hearing for information on the proposed Rezoning Petition RZ-015255-2024 for the Fox Property. The request was submitted by the applicant Wesley Fox for a rezoning and map amendment of parcel number 05-138-024 from R-4 Residential to CC Commercial Corridor.

Ms. Janet Peirano provided an overview of the petition. She identified that the proposed

property was approximately 1.5 acres located on Waxhaw Marvin Road adjacent to Waxhaw Equipment Rental. She noted the parcel was currently zoned R-4 Residential. The properties to the north were single family homes zoned Neighborhood Center, and an approved attached single family project zoned R-4. To the east were parcels owned by Mr. Fox, zoned commercial corridor and home to Waxhaw Equipment Rental. To the South on the other side of the railroad tracks was a vacant parcel zoned Union County R-40. To the west was vacant parcels zoned Waxhaw R-4.

She noted the Waxhaw 2040 Comprehensive Plan designated the property as Employment Center which allowed for the development of larger scale businesses to drive employment and economic opportunities. Employment Center was intended to provide for high quality jobs that were well connected to current and future transportation routes. The proposed zoning of the property was Commercial Corridor, which provided for service and retail uses to meet daily needs of local residents. It would encourage infill development that would be consistent with existing development and compliment the historic downtown architecture while increasing the walkability of surrounding neighborhoods. The request was inconsistent with the Waxhaw 2040 Future Land Use Map but was reasonable and in the public interest as the property was adjacent to other Commercial Corridor properties. The Planning Board reviewed the rezoning petition at their March 19, 2024 meeting and unanimously voted in favor of the recommendation.

**Public Comment:**

Mayor Murray opened the floor to public comments as required by law.

No public comments were forthcoming.

**MOTION** was made by Mayor Pro Tem McMillon to close the Public Hearings.  
**MOTION** was carried unanimously (5:0)

Mayor Murray entertained a 5 minute recess at 7:57 pm.

Mayor Murray reconvened the meeting at 8:04 pm.

## **OLD BUSINESS**

### **Decision for Charles Beard Rezoning Petition RZ-015085-2023**

The Board of Commissioners considered approval the Rezoning/Map Amendment Petition RZ-015085-2023 submitted by Charles Beard from Residential to Neighborhood Center (NC). The property was approximately .364 acres located on Rehobeth Road just behind Sweet Repeats.

Ms. Janet Peirano provided an overview of the petition. She noted that the current parcel was zoned R-3 and the surrounding properties to the west, north and east were zoned Neighborhood Center (NC), and to south was R3 residential. She explained that state law mandates that zoning be undertaken with consideration of a comprehensive plan. The Waxhaw 2040 Comprehensive Plans shows the parcel land use as "Downtown". She identified the principal uses: Historic Main Street building and harmonious infill, the outer limits shall support larger scale buildings for retail, services, offices, artisan studios, light

manufacturing workshops, upper story residential, and institutional uses in a pedestrian-oriented context. The purpose was to foster active streetscapes with preservation of the historic buildings and harmonious infill for employment, access to daily needs, entertainment, and upper-story housing. Conditions: walkable mix of uses in or directly adjacent to historic central core and street grid.

Ms. Peirano explained that downtown land use was typically associated with Town Center (TC) or Main Street zoning, the NC zoning was appropriate and encouraged compact and walkable mixed-use neighborhoods near the downtown core and provided an alternative to auto oriented Corridor Commercial District and promote a town wide architecture identity.

The Planning Board reviewed the petition at their meeting on November 21, 2023. The voted unanimously to recommend denial based on the following concerns: (1) Property was being used as a duplex; to rezone at high density is not in the public interest; (2) Neighboring properties are R-3; NC would not be cohesive with neighboring properties; and (3) Concerned about parking.

The Planning Staff recommended approval based on the following: (1) Property does not meet the definition of a duplex; (2) NC does not allow for standalone residential; (3) Any residential or additional density would come back to the board; (4) Legal non-conforming, cannot add to non-conformity. Planning Staff also recommended approval based on the adjacent Neighborhood Center Properties: (1) 8,300 sq. ft. restaurant and 6,116 sq. ft. neighborhood shopping center. (2) Proposed Rehobeth Flex Space, two single-story buildings totaling 49,074 sq. ft. of commercial space. (3) 3,000 sq. ft. retail store. and (4) Single family residential; (5) Parking must meet Land Development Code requirements; and (6) Development in the NC district may reduce parking minimums by 50% to encourage a compact and walkable mixed use.

Ms. Peirano identified the main concerns of neighborhood property owners and provided solutions that if the property was rezoned:

1. A car was often seen parked illegally blocking the sidewalk. Staff notified the Waxhaw Police Department of the infraction.
2. The adjacent property owner (single family residential) was concerned with her privacy. Staff spoke with the property owner and insured her that the LDC required a buffer between NC and R3. Staff insured the buffer requirements in place once zoning changed.
3. Traffic at the intersection of Rehobeth Road and Hwy 75. A traffic light would be installed before the first certificate of occupancy (CO) as part of the mitigation requirement for the Preserve Project.
4. Concerns about combination of lots creating a larger commercial property. Staff noted that if the combination of the corner lot and the subject property happens, it would most likely be a conditional zoning which would come back before the board.

**MOTION** was made by Commissioner Wesolek to approve petition RZ-015085-2023 and the Reasonable and Consistency Statement that the request is not consistent with the Waxhaw 2040 Future Land Use Map. However, it is reasonable and in the public interest because the parcel is adjacent to other NC zoned properties. It will expand the walkable mixed-use area near the Downtown core and help to create a connected urban scale mixed

use neighborhood within the Downtown area in accordance with the 2020 Collaborative Growth Strategy. **MOTION** carried by a vote of 3:2 with Commissioner Daunt and Commissioner Wedra in opposition.

**Discussion:**

- Commissioner Wedra asked when does the buffer apply. Ms. Peirano answered if the use of the property changes then staff would make sure the buffer meets requirements.
- Commissioner Wedra asked will the sidewalk or parking would change. Ms. Peirano answered that the property would be required to have six parking spaces but could ask for a 50% reduction to three spaces and there is space behind the property to extend the driveway around to the back to provide for more spaces if necessary.
- Commissioner Wedra clarified when buffer parking applies would be if the use changes. Ms. Peirano answered yes.
- Commissioner Wedra asked about lighting requirements and the lights encroaching down the street onto the residential area. Ms. Peirano answered lighting requirements would be reviewed and would require lights to be cut off to prevent light encroachment. Ms. Lisa Thompson added that a potential developer would have to have a photometrics plan as well as landscape, sidewalk, and parking plans and new LED lights can be focused on the property to prevent the lights from spilling over to the neighboring properties.
- Commissioner Wedra asked when the traffic light would be installed. Ms. Peirano answered that is was part of the Preserve Project and should be installed approximately January of 2025. Town Manager Wells added that the traffic light is required to be installed before the Preserve Project's first C.O. which is estimating around the holidays (2024) or just after.
- Commissioner Wesolek asked what the width and type of buffering would be required if the use changes. Ms. Peirano answered it would be a 20 foot buffer.
- Commissioner Wesolek asked if the buffer would be the whole length of the property line that borders the residential area and be landscaped. Ms. Peirano answered yes.
- Commissioner Wedra asked if there was a reason not to consider Commercial Corridor instead of Neighborhood Center. Ms. Peirano answered staff talked about CC zoning but since all the surrounding properties were zoned NC it made sense to keep the same zoning.
- Commissioner Wesolek added that commercial could have things like gas stations and fast food.
- Town Manager Wells added that the zoning was consistent with the Future land Use Plan.
- Town Attorney Buckley stated that if adopted the Future Land Use Plan would also be amended therefore it would be consistent.
- Mayor Murray suggested adding "however" into the Reasonable and Consistency Statement.

**Second Reading & Adoption of Proposed Ordinance (ORD2024007) and Ordinance (ORD2024008) - Conversion of N Church Street and W North Main Street & Conversion of S Church Street and Caldwell Street to All-Way Stop Intersections**

The Board of Commissioners considered for adoption the proposed Ordinances (ORD2024007) converting N Church Street and W North Main Street to an all-way stop



intersection and (ORD2024008) converting S Church Street and Caldwell Street to an all-way stop intersection amending Chapter 66 Section 66-61 of the Town's Code of Ordinances.

Mr. James Kelly, Traffic – Transportation Project Manager, provided an overview of the amendments. He noted that the conversions of the two intersections would contribute to overall safety at these intersections, which would reduce speed limits, sight distances, and pedestrian considerations to nearby Skate Park and Downtown Park.

**MOTION** was made by Commissioner Daunt to adopt Ordinance (ORD2024007) converting N Church Street and W North Main Street to an all-way stop intersection. **MOTION** was carried unanimously (5:0)

**MOTION** was made by Commissioner Daunt to adopt Ordinance (ORD2024008) converting S Church Street and Caldwell Street to an all-way stop intersection. **MOTION** was carried unanimously (5:0)

*Ordinances (ORD2024007) and (ORD2024008) are attached and hereby incorporated by this reference.*

#### **Waxhaw Master Transportation Plan (WMTP) - Survey Results Update**

The Board of Commissioners received as information the results of the Waxhaw Master Transportation Plan (WMTP) Survey results. The WMTP Survey was a community engagement period that began on February 29, 2024, and ended on April 1, 2024, to gain feedback regarding the WMTP, prioritizing projects, and planning for the CRTPO Grant Fall Calls.

Mr. James Kelly, Traffic/Transportation Project Manager, provided an overview of the survey results, which garnered approximately 685 responses. He noted that four public engagement periods were held at the Waxhaw Police Department on February 29th, March 7th, March 21st, and March 28th. The public had an opportunity to learn about the process and provide input on the challenges and constraints that were inherent to the transportation planning. They public also had the opportunity to rank their transportation priorities.

These were the top priorities the citizens identified:

1. Waxhaw Parkway East
2. Helms Road Extension
3. Waxhaw-Marvin and Gray Byrum
4. Waxhaw-Marvin and Kensington
5. Millbridge and Kensington
6. Lawson and Cuthbertson Road

Mr. Kelly noted that the Helm Road Extension was an ideal project for CRTPO Grant Funding. The North Carolina Department of Transportation (NCDOT) maintained Hwy 16 and programmed construction from Rea Road to Waxhaw Parkway was estimated for FY 2029, which would not address the congestion issue Downtown. However, the Waxhaw Parkway Extension would alleviating traffic congestion Downtown at the intersection of NC-16 and NC-75. The importance of the Waxhaw Parkway was to address the traffic impacts to the downtown area. Additionally, he added, the improvements of the parkway

would reduce downtown congestion, increase safety, advanced bicycle and pedestrian accommodations, encourage commercial uses over residential, and would provide a solution to addressing local and regional traffic demand.

Mr. Kelly provided the survey results. There was overwhelming support for the Waxhaw Parkway East and Helms Road Extension. The Parkway CRTPO/CTP Amendment would be April/May of 2024 and the Helms Road Extension CRTPO Fall Call Grant would occur August 2024. There was overall support for projects that could reduce congestion, improve safety for drivers, pedestrians, and bicyclists. There was various feedback on Lawson and Millbridge traffic signals, the next steps was gathering feedback from the HOAs. Staff recommended proceeding with the signals, which would provide immediate improvements along the Kensington/Cuthbertson corridor.

Mr. Kelly explained the Tier 1 and Tier 2 Project prioritization that were reviewed annually for the Capital Improvement Program and any changes would go to the Board of Commissioners for adoption. He also explained the overall support for Transportation Bonds and noted that the Union County was researching alternative approaches in establishing a Transportation Reserve Account.

Staff would continue to compile community input through April and would present a comprehensive recommended action to the Board at their April 23, 2024 meeting. The Next Steps were to anticipate the WMTP draft in May/June and adoption in June/July, which would help with prioritizing project submittals for grant funding in August.

**Discussion:**

- Commissioner Daunt asked for clarification on the success of Downtown. Mr. Kelly answered that the NC-16 widening project is coming and with that project there would be more traffic heading south and north through Waxhaw and with that traffic the prioritization of pedestrian traffic would be hindered.
- Commissioner Daunt asked if the 9,000 a day vehicle reduction would be once everything is completed. Mr. Kelly answered yes.
- Commissioner Daunt asked what the reduction would be based on a percentage. Mr. Kelly answered it would be approximately 2/3 of the traffic.

## **NEW BUSINESS**

### **Consider Approval of Pay and Classification Study Recommendations**

The Board of Commissioners considered for approval the results of the Pay and Classification Study conducted by Mr. David Hill of Piedmont Triad Regional Council.

Mr. David Hill provided an overview of his findings and recommendations for the Town's employee recruitment and retention initiatives. He noted that in a mature workforce, practically every element regarding employees' pay and performance should be within standard deviations and resemble the "Bell Curve", two-thirds of workforce should be located within the middle third of the measured metric. He provided graphs to represent a 20-year career with the percentages of employees still with the organization as well as percentages of employees in their current position and the average percentage of employee salaries that fell above minimum was 23.97%. He noted that his results were

compared the current versus the proposed pay plan structure, with the market comparison salaries, and the surrounding municipalities similar to the Town of Waxhaw.

Mr. Hill recommended the following:

- Adopt the Salary Administration Philosophy Statement.
- Administer Market-Based Salary Administration Practices and adopting a Biennial Market Review Schedule for all Classifications.
- Pay Plan and Employee Salary Recommendations:
  - Adopt recommended Pay Plan,
  - Adopt Career Ladder for PW Maintenance Technician Classification,
  - Adopt Individual Classification Titles for Building Inspectors,
  - Annual Adoption of the Pay Plan,
  - A Years of Service model for Employee Salary Adjustments.

He explained the Years of Service Model would be to assign each classification to the pay grade range commensurate with each classification's market comparisons and employee salaries. Set at the minimum salary of their assigned pay grade and then each employee's salary was advanced across the assigned pay grade range by 1% for each year of employment or at current salary, whichever was greater.

He explained the implementation required funding with salaries plus (25%) FICA/Retirement/401K etc. the total implementation cost would be \$92.339

**MOTION** was made by Commissioner Hall to approve the pay and classification study recommendation as presented. **MOTION** was carried unanimously (5:0).

**Discussion:**

- Commissioner Daunt thanked him and asked with the increase in some salaries would that be considered Market Rate. Mr. Hill answered yes and the recommendations would cover the gaps where employees salaries would be below average.
- Commissioner Daunt asked if those recommendations were implemented what would Market Rate be the term to use for the salary increases. Mr. Hill answered yes, market Rate would be if everyone's salaries were at midpoint.
- Town Manager Wells added some clarification for the cost of implementation would bring everyone up to Market Rate and the employee's have a 3.2% cost of living adjustment. He asked the Board for support for the Pay Study Recommendations and the amounts talked about were in the draft budget within the Town's existing resources. These would be presented at the budget Workshop on April 29th and then staff would look for adoption that would take effect July 1, 2024.
- Town Manager Wells noted that it was a pleasure working with Mr. Hill.

**Consider Adoption of Proposed Muzzleloader/Shotgun Ordinance**

The Board of Commissioners considered for adoption the proposed amendment to Section 46-4 (g) - (i) to add Muzzleloader/Shotgun regulations in Chapter 46 Miscellaneous Offenses Firearms, archery, fireworks; carrying concealed weapons on certain property; and signs of the Town's Code of Ordinances.

Police Chief Dexter Wilson provided an overview of Ordinance amendment (ORD2024012). He explained that the use of firearms would be permitted under the following conditions;

- The firearm must be a shotgun or muzzleloader.
- Shooting only allowed from dawn until dusk.
- Firearm activity must occur no closer than 150 yards from any residential dwelling, church school or any other occupied building, road, street, gathering area or public recreation within the Town of Waxhaw municipal limits.
- The tract of land must be a minimum of 100 acres of continuous land on which shooting firearms will take place.
- The person(s) must own or have written permission with him or her from the owner to shoot firearms upon the land. If the land changes ownership, then written permission is required by the new property owner.
- Must receive approval from the Chief of Police prior to discharge of such firearms on private land within the limits of the Town of Waxhaw unless dispatching a dangerous animal.
- Self-defense, official duties of officers exempted. Nothing contained herein shall be construed as to prohibit any person from discharging any firearm in lawful self-defense or any sworn law enforcement officer in the performance of official duties.
- Any person discharging firearms shall exercise reasonable regard for the safety and property of other persons and adhere to all applicable state and local regulations.
- The Chief of Police shall oversee the enforcement and implementation of this policy.
- Law enforcement responsible for monitoring firearm activities within the town limits will ensure compliance with these regulations through regular patrols and inspections.
- The Chief of Police shall be the approving official prior to the discharge of such firearms on private land within the limits of the Town of Waxhaw.
- If shooting activities on private land is denied by the Chief of Police, an appeal can be made to the Town Manager, but must be made within 10 days of the denial. The Town Manager's decision shall be the final determination.
- The Town Manager and/or Chief of Police reserve the right to rescind a permit at any time for violations of this ordinance.

He noted that the Waxhaw Police department looked at the crash data for deer crossing crashes, the results showed an increase in crashes over the years and putting this ordinance amendment in place could mitigate some of the deer crashes in the future. He provided a map of the potential properties that could qualify for consideration.

**MOTION** was made by Commissioner Daunt to adopt the ordinance amending Chapter 46 Miscellaneous Offenses Section 46-4 (g) - (i) to add Muzzleloader/Shotgun regulations, as presented. **MOTION** carried a vote of 3:2 with Mayor ProTem McMillon and Commissioner Wesolek in opposition.

*Ordinance (ORD2024012) is attached and hereby incorporated by this reference.*

## **TOWN LEADERSHIP REPORTS**

**Parks & Recreation Director Dena Sabinske:**

- Provided updates for Waxhaw Parks and Recreation

**Public Services Director Todd Matthews:**

- Provided updates for Public Services

**ADJOURNMENT**

Being no additional business, Mayor Murray entertained a motion to adjourn. **MOTION** was made by Commissioner Hall to adjourn the regular meeting. **MOTION** carried unanimously (5:0).

The meeting was adjourned at 9:21 pm.

Respectfully submitted,

  
\_\_\_\_\_  
Robert J. Murray III, Mayor

ATTEST:  
  
\_\_\_\_\_  
Barbara Bruce, Town Clerk





Section: 100-32  
ORD: ORD2024011



**Town of Waxhaw, North Carolina**  
**Ordinance Authorizing the Acceptance of Donation Funds**

**WHEREAS**, the North Carolina General Statute 160A-12 gives local municipalities the authority to accept Donation Funds;

**WHEREAS**, the Town of Waxhaw Police is authorized to receive donated funds from Royce Publications Inc. for general use;

**WHEREAS**, revenues received in excess of \$0.00 will be used to fund purchases as needed; and

**NOW, THEREFORE, BE IT ORDAINED BY THE WAXHAW BOARD OF COMMISSIONERS THAT:**

**Section 1.** The Board of Commissioners authorizes the Town Manager and Finance Director to receive Funds for the targeted amount of \$2,500.00.


**Section 2.** A Budget Amendment will be authorized to establish the use of the funds.

**THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS ADOPTION AND APPROVAL.**

Duly adopted this the 9<sup>th</sup> day of April 2024.

ATTEST:

  
Barbara Bruce, Town Clerk

  
Robert J. Murray, III, Mayor







PROCLAMATION: PRO2024005



### A Proclamation In Support of Arbor Day

**WHEREAS**, trees in our town increase property values, enhance the economic vitality of the business areas, and beautify the community;

**WHEREAS**, trees help reduce the erosion of our creeks and streams by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife;

**WHEREAS**, the Town of Waxhaw Board of Commissioners recognizes the importance of protecting and preserving the trees and woodlands; and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal.

**NOW, THEREFORE, BE IT PROCLAIMED**, that I, Robert J. Murray III, by virtue of the authority vested in me as Mayor of the Town of Waxhaw, in the State of North Carolina, do hereby proclaim April 13, 2024, as Arbor Day, in the Town of Waxhaw, and I urge all citizens to support efforts in protecting the trees and woodlands while promoting the well-being for present and future generations.

**Duly Adopted on this the 9<sup>th</sup> day of April 2024.**

ATTEST:

  
Barbara Bruce, Town Clerk

  
Robert J. Murray III, Mayor





Section: 66-61  
ORDINANCE: ORD2024007



**Town of Waxhaw, North Carolina**  
**An Ordinance Converting the Intersection of N Church**  
**Street and W North Main Street to an All-Way Stop**

**WHEREAS**, in pursuance of authority conferred by G.S. 20-141, 20-158, 20-169, 160A-174, 160A-175, 160A-296 and 160A-300, and for the purpose of protecting the health, safety or welfare of the people traveling on the public streets, alleys and public ways in the Town of Waxhaw; and

**WHEREAS**, the Waxhaw Board of Commissioners has determined to designate stop and yield intersections on the Town of Waxhaw street system.

**NOW THEREFORE, BE IT ORDAINED**, by the Waxhaw Board of Commissioners that Section 66-61, Stop and Yield Intersections, of the Code of Ordinances for the Town of Waxhaw, North Carolina is hereby amended to add the following:

1. Conversion of the North Church Street and West North Main Street intersection to an all-way stop condition.
2. The Chief of Police or his designee is authorized to post stop signs and add thermoplastic stop bars to inform the public of this ordinance.
3. The Chief of Police or his designee is authorized to enforce the stop and yield conditions to regulate traffic accordingly.
4. Penalty. Any person violating or failing to comply with provisions of this section shall be subject to a civil penalty of \$50.00 per violation.

**THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS ADOPTION AND APPROVAL.**

**Duly adopted this 9<sup>th</sup> day of April 2024.**

  
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Robert J. Murray III, Mayor

ATTEST:

  
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Barbara Bruce, Town Clerk

Section: 66-61  
ORDINANCE: ORD2024008



**Town of Waxhaw, North Carolina**  
**An Ordinance Converting the Intersection of S Church**  
**Street and Caldwell Street to an All-Way Stop**

**WHEREAS**, in pursuance of authority conferred by G.S. 20-141, 20-158, 20-169, 160A-174, 160A-175, 160A-296 and 160A-300, and for the purpose of protecting the health, safety or welfare of the people traveling on the public streets, alleys and public ways in the Town of Waxhaw; and


**WHEREAS**, the Waxhaw Board of Commissioners has determined to designate stop and yield intersections on the Town of Waxhaw street system.

**NOW THEREFORE, BE IT ORDAINED**, by the Waxhaw Board of Commissioners that Section 66-61, Stop and Yield Intersections, of the Code of Ordinances for the Town of Waxhaw, North Carolina is hereby amended to add the following:

1. Conversion of the South Church Street and Caldwell Street intersection to an all-way stop condition.
2. The Chief of Police or his designee is authorized to post stop signs and add thermoplastic stop bars to inform the public of this ordinance.
3. The Chief of Police or his designee is authorized to enforce the stop and yield conditions to regulate traffic accordingly.
4. Penalty. Any person violating or failing to comply with provisions of this section shall be subject to a civil penalty of \$50.00 per violation.

**THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS ADOPTION AND APPROVAL.**

**Duly adopted this 9<sup>th</sup> day of April 2024.**

  
\_\_\_\_\_  
Robert J. Murray, III, Mayor

ATTEST:

  
\_\_\_\_\_  
Barbara Bruce, Town Clerk



**Chapter 46: Section 46-4.**

Archery, firearms, fireworks; carrying concealed weapons on certain property; signs.

- (a) *Fireworks prohibited.* No person shall fire any description of fireworks within the corporate limits of the town without the consent of the Board of Commissioners.
- (b) *Signs.*
  - (1) *Posting of signs required.* The police chief is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building owned, leased as lessee, operated, occupied, managed, or controlled by the town, as well as the appurtenant premises to the buildings, indicating that carrying a concealed handgun is prohibited therein.
  - (2) *Location of signs.* Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The police chief shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.
- (c) *Archery.* No person shall hunt by bow and arrow except:
  - (1) During a lawful hunting season validly in effect, including any urban archery season approved by the Board of Commissioners.
  - (2) The parcel or tract of land must be equal to or greater than two acres in area (such area may be comprised of contiguous parcels).
  - (3) The hunter must own or have written permission with him from the owner to hunt upon the land.
  - (4) No arrow shall be discharged within 150 feet of any residential dwelling, school, church, or any other occupied building, street, road, public recreation or gathering area; and
  - (5) The hunter exercises reasonable regard for the safety and property of other persons and adheres to all applicable state and local regulations.
- (d) The Town of Waxhaw understands the importance and tradition of firearm activities while prioritizing the safety and well-being of its residents and properties, and it is important to establish guidelines to regulate activities with firearms within town limits to ensure public safety and minimize disturbance to residential areas:
- (e) *Definitions*
  - (1) "Firearms" refers to a weapon or similar instrument from which shells, shots, bullets, or similar projectiles are discharged by means of the explosion of gunpowder.

- (2) "Continuous 100 Acre Tract of Land" refers to an uninterrupted area of at least 100 acres with no substantial breaks or interruptions, as determined by town staff or designated authorities. This limitation is put in place to ensure a safe and adequate distance between people participating in firearm activities and nearby properties, minimizing the risk of accidents or endangerment to neighboring residents.

(f) Unlawful discharge of firearm.

- (1) Except as provided in sections (g) - (i), it shall be unlawful for any person to discharge a firearm within the municipal limits of the town.

(g) Firearms Regulations

- (1) Use of firearms is permitted within the Town of Waxhaw municipal limits under the following conditions:
- i. Must be a shotgun or muzzleloader.
  - ii. Shooting is only allowed from dawn until dusk.
  - iii. The firearm activity must occur no closer than 150 yards (450 feet) from any residential dwelling, church, school, or any other occupied building, road, street, gathering area or public recreation, within the Town of Waxhaw municipal limits.
  - iv. The tract of land must be a minimum of 100 acres of continuous land on which shooting firearms will take place.
  - v. The person(s) must own or have written permission with him or her from the owner to shoot firearms upon the land. If the land changes ownership, then written permission is required by the new property owner.
  - vi. Must receive approval from the Chief of Police prior to the discharge of such firearms on private land within the limits of the Town of Waxhaw unless dispatching a dangerous animal.
  - vii. *Self-defense, official duties of officers exempted.* Nothing contained herein shall be construed as to prohibit any person from discharging any firearm in lawful self-defense or any sworn law enforcement officer in the performance of official duties.
  - viii. Any person discharging firearms shall exercise reasonable regard for the safety and property of other persons and adhere to all applicable state and local regulations.

- (h) Any violation of these regulations will result in penalties as outlined by the laws of the Town of Waxhaw, including fines or other lawful actions.

(i) Safety Measures and Education

(1) People engaging in shooting activities within the town limits of Waxhaw must prioritize safety by following firearm safety protocols and ensuring proper use and storage of firearms.

(j) Implementation and Enforcement

- (1) The Chief of Police shall oversee the enforcement and implementation of this policy.
- (2) Law enforcement responsible for monitoring firearm activities within the town limits will ensure compliance with these regulations through regular patrols and inspections.
- (3) The Chief of Police shall be the approving official prior to the discharge of such firearms on private land within the limits of the Town of Waxhaw.
- (4) If shooting activities on private land is denied by the Chief of Police, an appeal can be made to the Town Manager but must be made within 10 days of the denial. The Town Manager's decision shall be the final determination.
- (5) The Town Manager and/or Chief of Police reserve the right to rescind a permit at any time for violations of this ordinance.

(k) Effective Date

(1) This policy shall take effect immediately upon its adoption and publication in accordance with the laws of the Town of Waxhaw.

(l) Adopted and enacted by the Town of Waxhaw Board of Commissioners, this date of

April 9, 2024

ATTEST:

  
Barbara Bruce, Town Clerk



  
Robert A. Murray III, Mayor

This policy aims to permit the use of firearms within town limits while establishing regulations to safeguard residential areas and ensure the safety of residents. It emphasizes responsible firearm practices and adherence to specified requirements, including maintaining a minimum continuous tract of land and maintaining a safe distance from residences during firearm activities. This policy aims to balance the rights of property owners to engage in firearm activities while ensuring the safety and well-being of all residents within the municipal limits of Waxhaw.